EXHIBIT C

JAMES MCGIBNEY AND VIAVIEW, INC.'S REPLY TO DEFENDANT NEAL RAUHAUSER'S MOTION TO DISMISS UNDER THE CITIZEN PARTICIPATION ACT

CAUSE NO. 067-270669-14

JAMES McGIBNEY, and VIA VIEW, INC.,	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
v.	§	TARRANT COUNTY, TEXAS
THOMAS RETZLAFF, LORA LUSHER, JENNIFER D'ALESSANDRO, NEAL RAUHAUSER, MISSANNONEWS, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4 and JANE DOE 5	§	67th JUDICIAL DISTRICT

AFFIDAVIT OF LYNN SHANKS

STATE OF TEXAS §
§
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority on this day personally appeared Lynn Shanks, who upon being by me duly sworn upon her oath did state as follows:

1. "My name is Lynn Shanks. I am over the age of 18 years and I am fully competent to make this affidavit. I have personal knowledge of the matters set forth below and they are true and correct.

2. "I am employed as a paralegal at Shannon, Gracey, Ratliff & Miller, LLP. Attached hereto are 3 pages of records regarding Neal R. Rauhauser.

3. "The Copy of Warrant No. SC 2014 002546 issued February 28, 2014, attached hereto and incorporated herein by reference as Exhibit 1, is a true and correct copy of a document that was obtained by me on May 20, 2014 from the Clerk of the Clark Municipal Court in Clark, NJ. It was faxed to me by a representative of the Clark Municipal Court, as indicated by the top line on that fax, showing that it was sent from Clark Municipal Court, fax no. 732-381-9630, on 05/20/2014 at 11:04.

4. "The Warrant Details report regarding Warrant No. 90056285, attached hereto and incorporated herein by reference as Exhibit 2, is a true and correct copy of a document that was obtained by me on May 20, 2014

through the web site of the Douglas County (Nebraska) Sheriff, at the following URL: http://www.omahasheriff.org/services/warrants/criminal/warrant-details?wid=90056285.

5. "The two documents titled 'Copy of Warrant' from the Montgomery Township Municipal Court in Hillsborough, New Jersey, attached hereto and incorporated herein by reference as Exhibit 3, are believed to have been obtained directly from that Court on February 27, 2013. On May 20, 2014 I forwarded a copy of the attached document reflecting two Warrants from the Montgomery Township Municipal Court to that court and requested copies of those Warrants in a form that would demonstrate that the copies had been provided by the Montgomery Township Municipal Court. The deputy clerk to whom I spoke in connection with that request informed me that, although she was able to view the same information on her computer screen, it is currently the policy of the Montgomery Township Municipal Court not to provide copies of any Warrants to the public. She did, however, state that if she were permitted to provide copies of Warrant No: SC 2012 007228 and Warrant No: SC 2012 007232, they would be identical to the Copy of Warrants attached to this Affidavit, except that the date and time in the upper right corner of each Copy of Warrant would reflect the then current date and time.

6. "Attached hereto and incorporated herein by reference as Exhibit 4 is a true and correct copy of § 2C:33-4 of the New Jersey Code of Criminal Justice, as the same appears on the New Jersey Permanent Statutes Database of the New Jersey Legislature at URL: http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=45439043&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutes.nfo&record={166A}&softpage=Doc_Frame_PG42."

FURTHER AFFIANT SAYETH NAUGHT.

Lynn Shanks

SUBSCRIBED AND SWORN TO BEFORE ME by the said Lynn Shanks on this 20th day of May, 2014.

JEANETTE CARLISLE
My Commission Expires
September 20, 2017

Notary Public in and for
The State of Texas

EXHIBIT 1

TO AFFIDAVIT OF LYNN SHANKS

067-270669-14

ATT: LYNN SHANKS

CMM1106

****
* COPY OF WARRANT *
****

05/20/2014
12:12

WARRANT NO : SC 2014 002546 MUN: 2002 DATE WARRANT ISSUED: 02 28 2014
BAIL AMOUNT: 800.00 BAIL TYPE: FL BAIL WAIVER AUTHORIZED: N
OFFENSE: 2C:33-4C AUX OFFNS:
TO ANY POLICE OFFICER:
YOU ARE HEREBY COMMANDED TO ARREST THE DEFENDANT WHOSE NAME AND ADDRESS ARE SHOWN BELOW AND BRING HIM BEFORE THIS COURT TO ANSWER A COMPLAINT CHARGING AN OFFENSE IN THE JURISDICTION OF THIS COURT OR HOLD THE DEFENDANT TO BAIL BEFORE AN AUTHORIZED OFFICIAL IF AN AMOUNT OF BAIL IS SHOWN ABOVE.

NEAL R RAUHAUSER
C/O RAUSCH 1050 COURT AVE NW

WASHINGTON DC 20036-0000
DLN:
SBI: SSN:
DOB: 00 00 0000 RACE: SEX:
EYES: HAIR: WHT: HGT:
SCARS/MARKS/DESC :

BY ORDER OF THE JUDGE
ANTONIO INACIO
CLARK MUNICIPAL COURT
315 WESTFIELD AVENUE
CLARK NJ 07066-1791

AUTHORIZED BY
LORRAINE DISKO

FULL BAIL AMOUNT - NO 10%
PF1-EXC WARRANT-LAW ENF PF2-WARNT HIST PF3-EXECUTE/SUPRCD PF4-COPY BAIL WAIVER
4-© 1 Sess-1 172.16.1.27 TM200201 1/2

Name: agata.kozak - Date: 5/20/2014 Time: 12:12:50 PM

EXHIBIT 2

TO AFFIDAVIT OF LYNN SHANKS

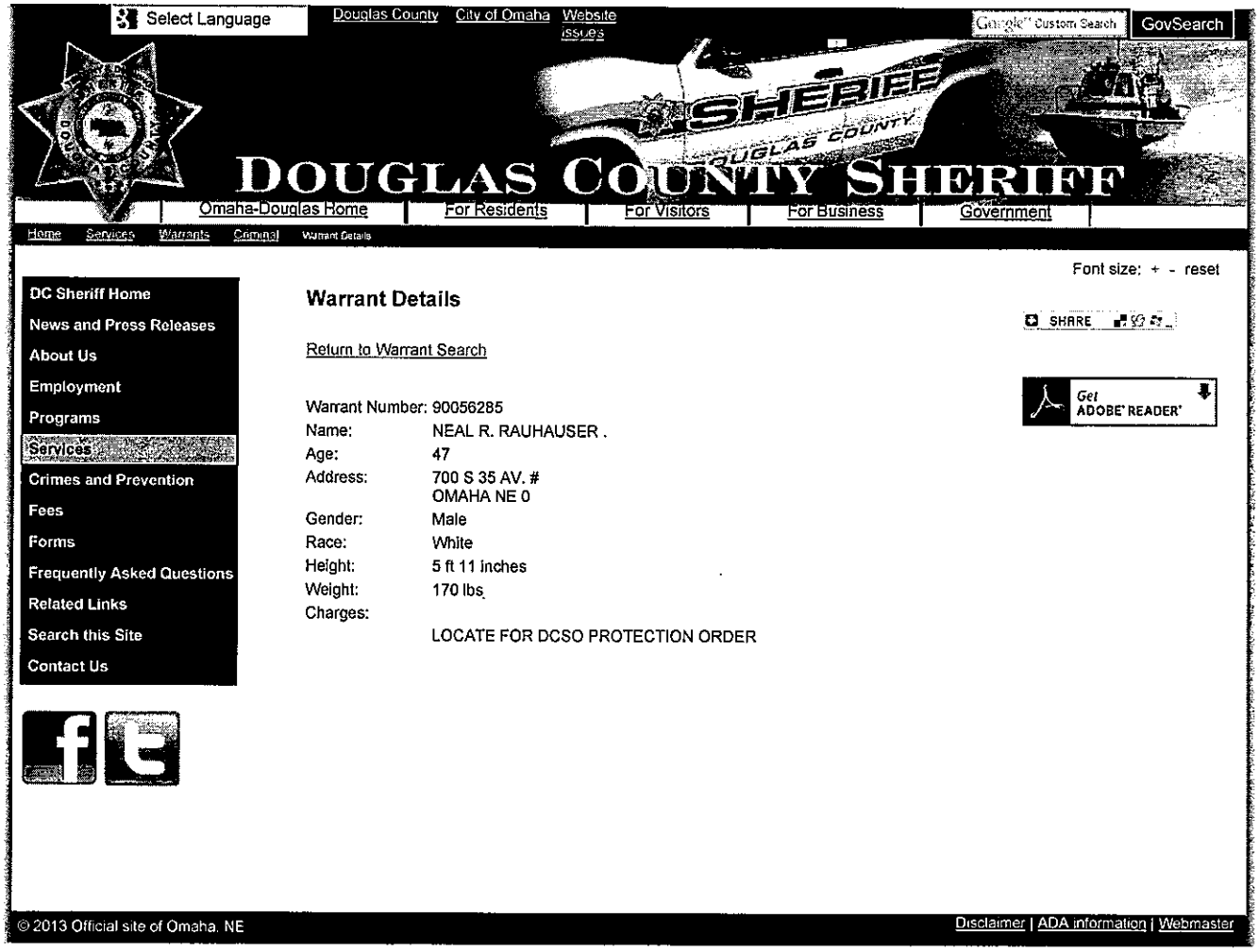
Select Language
Douglas County
City of Omaha
Website issues
GovSearch
DOUGLAS COUNTY SHERIFF
Omaha-Douglas Home
For Residents
For Visitors
For Business
Government
Home
Services
Warrants
Criminal
Warrant Details
Font size: + - reset
DC Sheriff Home
News and Press Releases
About Us
Employment
Programs
Services
Crimes and Prevention
Fees
Forms
Frequently Asked Questions
Related Links
Search this Site
Contact Us
Warrant Details
SHARE
Return to Warrant Search
Get ADOBE READER
Warrant Number: 90056285
Name: NEAL R. RAUHAUSER .
Age: 47
Address: 700 S 35 AV. #
OMAHA NE 0
Gender: Male
Race: White
Height: 5 ft 11 inches
Weight: 170 lbs
Charges:
LOCATE FOR DCSO PROTECTION ORDER
© 2013 Official site of Omaha, NE
Disclaimer | ADA information | Webmaster

EXHIBIT 3

TO AFFIDAVIT OF LYNN SHANKS

CMM1106 * COPY OF W A R R A N T * 02/27/2013 15:31

WARRANT NO : SC 2012 007228 MUN: 1813 DATE WARRANT ISSUED: 10 11 2012
BAIL AMOUNT: 300.00 BAIL TYPE: FL BAIL WAIVER AUTHORIZED: N
OFFENSE: 2C:33-4A AUX OFFNS:
TO ANY POLICE OFFICER:
YOU ARE HEREBY COMMANDED TO ARREST THE DEFENDANT WHOSE NAME AND ADDRESS ARE SHOWN BELOW AND BRING HIM BEFORE THIS COURT TO ANSWER A COMPLAINT CHARGING AN OFFENSE IN THE JURISDICTION OF THIS COURT OR HOLD THE DEFENDANT TO BAIL BEFORE AN AUTHORIZED OFFICIAL IF AN AMOUNT OF BAIL IS SHOWN ABOVE.

NEAL R RAUHAUSER
C/O MARK D RASCH C/O ARENT FOX
1050 COURT AVE NW
WASHINGTON DC 20036-0000
DLN:
SBI: SSN:
DOB: 00 00 0000 RACE: SEX:
EYES: HAIR: WHT: HGT:
SCARS/MARKS/DESC :

BY ORDER OF THE JUDGE
JOHN F RICHARDSON
MONTGOMERY TWP MUNICIPAL COURT
379 SOUTH BRANCH COURT
HILLSBOROUGH NJ 08844-0000

AUTHORIZED BY
LORI ZELASKO

FULL BAIL AMOUNT - NO 10%
PF1-EXC WARRANT-LAW ENF PF2-WARNT HIST PF3-EXECUTE/SUPRCD PF4-COPY BAIL WAIVER
-● 2 Sess-1 172.16.1.27 TM181002 1/2

CMM1106 * COPY OF W A R R A N T * 02/27/2013 15:31

WARRANT NO : SC 2012 007232 MUN: 1813 DATE WARRANT ISSUED: 12 06 2012
BAIL AMOUNT: 300.00 BAIL TYPE: FL BAIL WAIVER AUTHORIZED: N
OFFENSE: 2C:33-4A AUX OFFNS:
TO ANY POLICE OFFICER:
YOU ARE HEREBY COMMANDED TO ARREST THE DEFENDANT WHOSE NAME AND ADDRESS ARE SHOWN BELOW AND BRING HIM BEFORE THIS COURT TO ANSWER A COMPLAINT CHARGING AN OFFENSE IN THE JURISDICTION OF THIS COURT OR HOLD THE DEFENDANT TO BAIL BEFORE AN AUTHORIZED OFFICIAL IF AN AMOUNT OF BAIL IS SHOWN ABOVE.

NEAL R RAUHAUSER
C/O MARK D RASCH 1201 EYE ST
NW SUITE 400
WASHINGTON DC 20005-0000
DLN:
SBI: SSN:
DOB: 00 00 0000 RACE: SEX:
EYES: HAIR: WHT: HGT:
SCARS/MARKS/DESC :

BY ORDER OF THE JUDGE
JOHN F RICHARDSON
MONTGOMERY TWP MUNICIPAL COURT
379 SOUTH BRANCH COURT
HILLSBOROUGH NJ 08844-0000

AUTHORIZED BY
LORI ZELASKO

FULL BAIL AMOUNT - NO 10%
PF1-EXC WARRANT-LAW ENF PF2-WARNT HIST PF3-EXECUTE/SUPRCD PF4-COPY BAIL WAIVER
-● 2 Sess-1 172.16.1.27 TM181002 1/2

EXHIBIT 4

TO AFFIDAVIT OF LYNN SHANKS

(UPDATED THROUGH P.L. 2014, ch.8 and JR1 of 2014)
TITLE 2C THE NEW JERSEY CODE OF CRIMINAL JUSTICE
2C:33-4 Harassment.

2C:33-4. Harassment.

Except as provided in subsection e., a person commits a petty disorderly persons offense if, with purpose to harass another, he:

a. Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;

b. Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or

c. Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

A communication under subsection a. may be deemed to have been made either at the place where it originated or at the place where it was received.

d. (Deleted by amendment, P.L.2001, c.443).

e. A person commits a crime of the fourth degree if, in committing an offense under this section, he was serving a term of imprisonment or was on parole or probation as the result of a conviction of any indictable offense under the laws of this State, any other state or the United States.

L.1978, c.95; amended 1983, c.334; 1990, c.87, s.2; 1995, c.211, s.2; 1998, c.17, s.4; 2001, c.443, s.3.

2C:33-4.1 Crime of cyber-harassment.

1. a. A person commits the crime of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

(1) threatens to inflict injury or physical harm to any person or the property of any person;

(2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a

search

CAUTION: This statutory database is unannotated and include laws that have not become operable due to unm have expired, have been ruled inoperable by a court, or h become inoperable. Effective dates are not typically incl should diligently read applicable statute source law and

Records: 103367 Hits: 0